

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of Wisconsin & Southern Railroad Co. for a Determination of the Adequacy of Warning Devices at 43 At-grade Crossings with Passive Warning Devices of the Wisconsin & Southern Railroad Co. Tracks in the State of Wisconsin

9170-RX-187

NOTICE OF INVESTIGATION
AND ASSESSMENT OF COSTS
AND
FINDINGS OF FACT AND ORDER

By letter dated November 4, 2004, the Wisconsin & Southern Railroad Co. filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination under §195.28, Stats., of the adequacy of warning devices at 43 grade crossings with passive warning devices of the Wisconsin & Southern Railroad Co. (WSOR) tracks in the State of Wisconsin. The WSOR listed 43 such crossings at which it seeks permission to install yield signs in addition to crossbucks.

NOTICE IS HEREBY GIVEN that the OCR will investigate this matter and issue an appropriate order without a public hearing.

PLEASE NOTE: The Office finds that the expenses which are reasonably attributable to this investigation will be assessed against the Wisconsin & Southern Railroad Co. in accordance with §195.60, Stats., and RR 2.04.

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin & Southern Railroad Co. proposes to install yield signs at 43 at-grade crossings with passive warning devices of its tracks in the State of Wisconsin. The WSOR has agreed to bear the entire cost of this project. A list of these crossings is attached.

The yield signs would be installed on the crossbuck posts on each approach to each crossing. The purpose of the project is to improve public safety at these crossings by providing a clear indication to a motorist approaching any of these crossing that they should yield to any trains approaching the crossing.

Although the crossbuck sign is a regulatory sign that means the motorist should yield to trains, research has shown that driver comprehension of the crossbuck sign is poor. Research has also shown that driver comprehension improves substantially when a yield sign is added to the crossbuck sign. See, TRB's National Cooperative Highway Research Program (NCHRP) Report 470: *Traffic-Control Devices for Passive Railroad-Highway Grade Crossings*, Transportation Research Board (2002), and Bridwell, N., Alicandri, E., Fischer, D., and Kloeppel, E. (1993). A

Preliminary Laboratory Investigation of Passive Railroad Crossing Signs. Publication No. FHWA-RD-93-153. Federal Highway Administration, McLean, VA. and Fambro, D.B. (1999). *Recommended Devices and Applications for Use at Rail-Highway Grade Crossings*. Working Paper No 5, Prepared under U.S.DOT/FHWA Contract No. DTFH61-96-R-00089: Improved Traffic Control Devices at Rail-Highway Grade Crossings.

The OCR has not investigated each crossing to determine the adequacy of warning devices. However, the Commissioner does conclude that this project will improve public safety at these crossings. The Commissioner also specifies that yield signs shall not be installed at any crossing that already has automatic flashing lights or stop signs. (Although the WSOR list indicates all of these crossings have crossbucks for warning devices there may be errors in the database.) This order does not require the installation of 'yield ahead' signs.

Source of funding: The Wisconsin & Southern Railroad Co. has agreed to bear the total cost (materials and labor) to install and maintain the yield signs.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

1. That the installation of yield signs on the crossbuck posts on each approach to the 43 at-grade crossings of its tracks in the State of Wisconsin listed in the attached document will protect and promote public safety.
2. That the Wisconsin & Southern Railroad Co. shall bear the total cost (materials and labor) to install and maintain the yield signs.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin & Southern Railroad Co.** shall install and maintain yield signs on the crossbuck posts on each approach to the 43 at-grade crossings of its tracks in the State of Wisconsin listed in the attached document by **August 15, 2005, provided** that if active warning devices or stop signs are present at any of the crossings listed then the Wisconsin & Southern Railroad Co. shall not install yield signs.

2. That the **Wisconsin & Southern Railroad Co.** shall bear the cost of the yield signs (materials and labor) and any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

3. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

4. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

9170SIG187